

In the
Indiana Supreme Court



IN THE MATTER OF THE
APPROVAL OF LOCAL RULES
FOR SHELBY COUNTY

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Case No.

73500-1109-MS-537

ORDER APPROVING AMENDED LOCAL RULE

The Judges of the Shelby Circuit and Superior Courts request the approval of an amended local rule for court reporter services in accordance with Ind. Administrative Rule 15. Attached to this Order is the proposed amended local rule.

Upon examination of the proposed rule amendment requested by the Shelby Circuit and Superior Courts, this Court finds that the proposed rule amendment, LR73-AR15-1 complies with the requirements of Ind. Administrative Rule 15, and, accordingly, should be approved and posted in the county clerk's office(s) and on the county clerk's website, if any, and on the Indiana Judicial Website at least thirty (30) days prior to taking effect on January 1, 2012.

IT IS, THEREFORE, ORDERED by this Court that amended Local Rule LR73-AR15-1 for Shelby Circuit and Superior Courts, set forth as an attachment to this Order, is approved effective January 1, 2012. The Clerk of this Court is further directed to forward a copy of this Order to the Hon. Charles D. O'Connor, Jr., Shelby Circuit Court, 407 South Harrison Street, Shelbyville, IN 46176-2170; the Hon. Jack A. Tandy, Shelby Superior Court, 407 South Harrison Street, Shelbyville, IN 46176-2170; the Hon. David N. Riggins, Shelby Superior Court, 407 South Harrison Street, Shelbyville, IN 46176-2170; to the Clerk of the Shelby Circuit and Superior Courts; and to the Division of State Court Administration. The Clerk is also directed to post this Order on the Court's website.

The Clerk of the Shelby Circuit and Superior Courts is directed to enter this Order and attachment in the Record of Judgments and Orders for the Courts, to post this Order and attachment for examination by the Bar and the general public, and if available, to publish this Order and attachment on the county clerk's website, all at least thirty (30) days prior to January 1, 2012.

DONE at Indianapolis, Indiana, this 6th day of September, 2011.

RT Shepard

Randall T. Shepard
Chief Justice of Indiana

LR73-AR15-1 Court Reporter Services¹

1.1 DEFINITIONS

The definitions contained in Administrative Rule 15(B) are adopted for use in this Rule and control any question of interpretation. For the purposes of this Rule, the Regular Hours worked by the Court Reporting Staff shall be Monday through Friday from 8:00 a.m. until 12:00 noon and from 1:00 p.m. until 4:00 p.m. or as otherwise ordered by the Court. The Work Week shall be a seven day period beginning on Sunday and ending on Saturday of each week and shall contain thirty-five (35) hours for which salaried compensation shall be paid.

1.2 COMPENSATION

The Court Reporter shall work under the control, direction and direct supervision of the Court during all hours of employment and shall be paid an annual salary for regular hours worked during a Work Week. The salaries shall be set by the Court and approved by the County Council. Gap Hours (the 5 hours between 35 and 40 hours per week) shall be compensated in time off from work in an amount equal to the number of Gap Hours worked or by payment of regular time as directed by the court. Overtime Hours shall be compensated in an amount equal to one and one-half (1 ½) times the number of Overtime Hours worked in excess of 40 hours per week.

1.3 DUTIES AND RESPONSIBILITIES

The duties of a Court Reporter shall include Reporting the evidence presented in Court proceedings; Preservation and storage of reported testimony and any physical evidence presented in Court proceedings; Preparation of Chronological Case Summary entries at the direction of the Court and providing notice thereof as required by the Rules of Trial Procedure; Preparation of written documents to effectuate the rulings, orders and judgments of the Court or to comply with the Rules of the Indiana Supreme Court; Preparation of transcripts of evidence presented in Court proceedings requested pursuant to the Rules of Trial Procedure; and, Such other functions and responsibilities as required by law or the Court for its effective administration.

1.4 MAXIMUM PER PAGE FEE

1.4.1 A Court Reporter shall not charge more than the following per page:

1.4.1.1 \$4.75 for a transcript of evidence for appealed cases. The Court Reporter shall submit a claim directly to the county for the preparation of any county indigent transcripts of evidence.

1.4.1.2 \$4.75 for state/county indigent transcript of evidence for appealed cases;

1.4.1.3 \$4.75 for civil transcripts of evidence for appealed cases;

1.4.1.4 \$4.75 for non-appeal transcripts;

- 1.4.1.5 \$4.00 for deposition transcripts and \$1.50 for copies if Reporter elects to use Court facilities, equipment and/or supplies in the exercise of her private practice;
 - 1.4.1.6 \$7.00 for expedited transcripts;
 - 1.4.1.7 \$1.75 for copies of transcripts.
- 2. Court Reporter shall be allowed \$5.00 for each transcript disk provided.
 - 3. Court Reporter's Certification fee for transcripts shall be \$10.00.
 - 4. Each Court Reporter shall annually report all compensation received for transcripts to the Indiana Supreme Court Division of State Court Administration.

SECTION 5 PRIVATE PRACTICE

5.1 A Court Reporter may elect to engage in the private practice of recording of and preparation of deposition transcripts. Such activity, regardless of whether the deposition concerns a case pending before the Court, shall be conducted outside of regular working hours. If a Reporter, in the exercise of such private practice, utilizes, with the consent of the Court, Court facilities, equipment and/or supplies, the Reporter shall reimburse the Court for such usage pursuant to a written agreement between the Court and Reporter.

5.2. Such agreement shall establish the:

- 5.2.1 Reasonable market rate for the use of equipment, facilities and supplies;
- 5.2.2 Method by which records are kept for the use of the same; and,
- 5.2.3 Method by which the Reporter shall reimburse the Court for such usage.

Adopted May 28, 1998, effective June 1, 2008. Amended and renumbered as Rule 1, September 30, 2005, effective October 11, 2005. Amended effective December 17, 2007. Proposed Amended, April 12, 2011, Effective Jan 1, 2012.

¹ See, also Rule 2